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FISCAL IMPACT STATEMENT

LS 7063
BILL NUMBER: HB 1006

NOTE PREPARED: Feb 17, 2015
BILL AMENDED: Feb 17, 2015

SUBJECT: Corrections.

FIRST AUTHOR: Rep. Steuerwald
FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

- A. *Court-Supervised Recidivism Reduction Program* – It permits the Department of Correction (DOC) to provide funding to a court for a court-supervised recidivism reduction program.
- B. *Justice Reinvestment Community Grants* – It provides that the Indiana Judicial Center shall develop and administer the program. It provides that the board of directors of the Judicial Conference shall promulgate rules for the program. It specifies standards for treatment funded under the program.
- C. *Justice Reinvestment Advisory Council* – It establishes the Justice Reinvestment Advisory Council to make a recommendation concerning the awarding of a grant. It provides that the Indiana Judicial Center shall award grants: (1) to assist with the establishment and maintenance of community corrections programs in each county by 2020; (2) to assist communities and counties to develop and maintain alternatives to incarceration that are needed in the applicable community or county; and (3) to reduce recidivism.
- D. *Monitoring Other State Programs* – It provides that the Indiana Judicial Center shall monitor other state programs that provide funding to programs that are alternatives to incarceration. It requires the Indiana Judicial Center to create reports on the program and other state funding of programs that are alternatives to incarceration.
- E. *Budget Committee Reports* – It requires the DOC to make a monthly report to the Budget Committee concerning the number of persons committed to the DOC.

- F. *Level 6 Felony Commitments* – It provides that after January 1, 2016, a court may not commit a person convicted of a Level 6 felony to the DOC, with certain exceptions.

Effective Date: July 1, 2015.

Explanation of State Expenditures: (Revised) *Summary* – The bill is estimated to reduce the number of full-time-equivalent (FTE) offenders in Department of Correction facilities by 522 in FY 2016 and 3,725 each year thereafter. This could increase payments to county sheriffs of between \$6.7 M in FY 2016 and \$47.6 M in fiscal years thereafter.

The additional monthly reporting required of DOC concerning the felony level and capacity of the prison population and facilities is expected to have minimal increased cost and is expected to be within the agency's routine administrative functions and should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

(Revised) *Additional Information - Justice Reinvestment Community Grants Program:* The bill establishes the new Justice Reinvestment Community Grants Program, administered by the Indiana Judicial Center (IJC) under rules promulgated by the Judicial Conference.

The program is to help develop alternatives to incarceration at the county and community levels through grants provided by the state funding. Money from this fund may not be used for capital projects.

There is no appropriation provided in the bill.

Justice Reinvestment Advisory Council – The Justice Reinvestment Advisory Council is established by this bill. The Council includes the executive director of the Indiana Prosecuting Attorneys Council, the executive director of the Indiana Public Defenders Council, the president of the Indiana Sheriff's Association, and the director of the Division of Mental Health and Addiction or their designees.

The expenses of the Advisory Council are to be paid from the administrative funds appropriated to the IJC. The Indiana Prosecuting Attorneys Council and the Indiana Public Defenders Council will provide staff services to the Council in alternating years. The members of the Advisory Council may be reimbursed for traveling expenses or other expenses incurred in connection with the members' duties. The advisory council expires July 1, 2017.

The administrative duties of the IJC for the Justice Reinvestment Community Grants Program will include developing and accepting applications from county and local criminal justice organizations and preparing a report analyzing the program.

IJC is also charged with annually monitoring all state-funded programs that promote alternatives to incarceration, including probation services, problem-solving courts, mental health treatment, substance abuse treatment, forensic diversion programs, community corrections, and other alternatives.

Court-Supervised Recidivism Reduction Program – Existing state grants to counties for community corrections programs may also be used for court-supervised recidivism reduction programs.

The existing program provides grants to counties to develop a coordinated local corrections-criminal justice

system and provide effective alternatives to state prison incarceration. [The DOC in FY 2014 provided \$40.4 M of reimbursement for community corrections programs and had administrative expenses of \$453,600.]

Level 6 Felony Commitments – Under current law, Level 6 offenders with a calculated length of stay (LOS) of more than 91 days may not be committed to DOC between July 1, 2014, and June 30, 2015, unless the commitment is due to the person violating probation, parole, or community corrections by committing a new crime. Beginning July 1, 2014, the prohibition increases to offenders with an LOS less than 366 days.

Extending this 91-day prohibition until January 1, 2016, and beginning the 366-day prohibition on January 1, 2016, for any Level 6 felon who violates either probation, parole, or community corrections by committing a new crime regardless of length of stay (the number of days between the sentencing date and the earliest possible release date) is estimated to reduce the number of offender FTEs in DOC facilities by the following amounts.

Level 6 FTE Offenders No Longer Committed to DOC				
		FY 2016	FY 2017	FY 2018
Current Law	90 days or less	277	277	277
	Between 91 and 365 days	<u>2,680</u>	<u>2,680</u>	<u>2,680</u>
	Reduction to DOC	<u>2,957</u>	<u>2,957</u>	<u>2,957</u>
		FY 2016	FY 2017	FY 2018
Proposed	90 days or less	277	277	277
	Between 91 and 365 days	1,340	2,680	2,680
	More than 365 days	<u>1,862</u>	<u>3,725</u>	<u>3,725</u>
	Reduction to DOC	<u>3,479</u>	<u>6,682</u>	<u>6,682</u>
	Net Reduction to DOC	<u>522</u>	<u>3,725</u>	<u>3,725</u>

Added Payments to County Sheriffs – Counties would receive additional monies from the Department of Correction for incarcerating Level 6 offenders. Sheriffs are currently reimbursed \$35 per day for offenders who are incarcerated in county jails.

Added Payments (in \$M) to County Sheriffs			
	FY 2016	FY 2017	FY 2018
Number of Offenders	522	3,725	3,725
Based on \$35 Per Diem	\$12,775	\$12,775	\$12,775
Cost in Millions	\$6.7	\$47.6	\$47.6

LSA used commitment data between CY 2010 and 2014 to estimate the number of offenders who would have calculated lengths of stay. The following table displays the average number of full-time-equivalent commitments between CY 2010 and 2014 by whether the Class D offender committed a new crime, a new crime while on either probation, parole, or community correction, a technical violation, or some other reason.

Average Full Time Equivalent Commitments for Level 6 Felons (Using Class D Felons) for Five Years Between 2010 and 2014			
Days Between Earliest Release Date and Sentence Date	Total Commitments	New Crime While on Probation Parole or Community Corrections	Offenders Prohibited from Being Committed to DOC
Less than 91 Days	292	15	277
Between 91 and 365 Days	2,856	176	2,680
More than 365 Days	4,137	412	3,725
Grand Total	7,285	603	6,682

The average expenditure to house an adult offender was \$19,497 in FY 2014. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,210 annually, or \$8.77 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$89,956 in FY 2014.

Explanation of State Revenues:

Explanation of Local Expenditures: County sheriffs would receive an additional 573 offenders in 2016 and 3,725 in years after. (See *Explanation of State Expenditures*.)

Explanation of Local Revenues: (Revised) *Justice Reinvestment Community Grants* – Local communities or counties may have increased funding for community-based corrections programs. At least 75% of the funding awarded must be used to provide evidenced-based treatment for mental health and addiction directly to an individual. Addiction treatment includes addiction counseling, inpatient detoxification, medication-assisted treatment including FDA-approved, long-acting nonaddictive medications for treatment of opioid and alcohol dependence.

Mental health and addiction services that are funded by the Justice Reinvestment Community Grants Program must be administered or coordinated by a provider certified by the Division of Mental Health and Addiction to provide treatment. A certified provider may contract with licensed professionals to provide additional services funded under this chapter.

Justice Reinvestment Community Grants Program – The bill establishes the Justice Reinvestment Community Grants Program to provide grants to counties and local criminal justice organizations that have been approved by the county's superior and circuit courts or by the county's community corrections advisory board.

The grants are to assist in establishing and maintaining community corrections programs in each county and alternatives to incarceration that are needed by the community or county, and to reduce recidivism. The funding will also be provided to develop community corrections programs in each county.

Court-Supervised Recidivism Reduction Program – The amount of community corrections program funding currently received by programs from the DOC may be reduced if additional programs in the county are funded.

Commitments – County sheriffs would receive additional reimbursements of \$6.7 M in FY 2016 and \$47.6 M in years after. (See *Explanation of State Expenditures*.)

Additional Information - Currently, 84 counties participate in community corrections programs sanctioned by the Department of Correction. One goal of the Justice Reinvestment Community Grants Program is to have all counties participating in community corrections by 2020. [The eight nonparticipating counties are Benton, Carroll, Decatur, Franklin, Kosciusko, Marshall, Newton, and Ripley.]

Community corrections programs are overseen by advisory boards, which contract with not-for-profit agencies for services. The programs may have one or more of several components, including home detention, work release, community transition, mental health programs, and addiction intervention.

State Agencies Affected: IJC, CJI, DOC.

Local Agencies Affected: Counties and local communities, community corrections.

Information Sources: Jane Segal, Executive Director, IJC.; Department of Correction Offender Information System

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